

### REMARKS

The Office Action mailed March 27, 2001 has been reviewed and carefully considered. Claims 1-9 have been cancelled, without prejudice. New claims 10-18 have been added. No new matter has been added. Claims 10-18 remain pending in this application, with claim 10 being the only independent claim. Reconsideration of the above-identified application, as amended, and in view of the following remarks is respectfully requested.

In the Office Action mailed March 27, 2001, the Examiner objected to the abstract of the disclosure in that it included the term "means" and is more than one paragraph in length. Applicants have amended the Abstract to overcome these outstanding objections. Withdrawal of the objection in view of the changes to the Abstract is requested.

Dependent claim 8 was objected to under 37 CFR 1.75(c) as being in improper dependent form for failing to further limit the subject matter of the previous claim. Applicants have cancelled dependent claim 8.

In addition, the Examiner rejected claims 1-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner pointed out several instances of lack of proper antecedent basis and

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indefiniteness stating that the claims are replete with other instances. Applicants have rewritten claims 1-7 and 9 as new claims 10-17, respectively, to overcome these outstanding rejections. Withdrawal of the rejections in view of the amendments to the claims is requested.

As for the prior art rejections, the Examiner states that claims 1-9 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,404,760 (Hahn). Applicants respectfully traverse the Examiner's prior art rejection and submit that the present claimed invention is distinguishable in several respects over Hahn. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In particular, claim 10 calls for "said tooth-carrying portion including a front edge that forms two recesses at an interface with said projecting portion for receiving and retaining a rear edge of a mouth of the tooth, the front edge forming an acute angle relative to an axis perpendicular to a longitudinal median plane of the tooth" (emphasis added). To the contrary, Hahn discloses an adapter assembly 21 having a ring like wall 45 that from Figure 1 appears to be perpendicular to the longitudinal axis of the adapter. Hahn does not disclose or suggest a recess in the adapter for receiving the tooth therein, much less, the angle of orientation of the front edge, as found in claim 10.

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In addition, claim 10 provides that the coupling device includes an end area whose "an end terminal area having a lateral cross section of irregular hexagonal shape" (emphasis added). Hahn, in contrast, discloses an adapter having a quadralateral shaped nose part 27.

Yet another distinguishing feature of claim 10 over that of Hahn is the arrangement of the hole(s) for receiving the retaining pin. Specifically, claim 10 recites that the coupling device includes "said tooth-carrying portion having at least one hole defined longitudinally therein for receiving the pin, the at least one hole being interrupted by the stepped guiding profiles of the first area and offset relative to the recesses of the front edge of said tooth-carrying portion". Thus, the hole extends longitudinally through the tooth-carrying portion of the coupling device. Hahn discloses an excavator in which the tooth assembly 20 is secured to the adapter assembly 21 using a U-shaped lock 24 having two arms 38 that fit around the sides of the adapter, not through a hole defined in the adapter, as found in claim 10.

Dependent claim 16 is further distinguishable over Hahn in that it discloses that the coupling device has "covers" for closing the hole. As mentioned above with respect to claim 10, Hahn fails to teach a hole defined in the adapter in which the U-shaped lock 24 is received, much less cover for closing the hole.

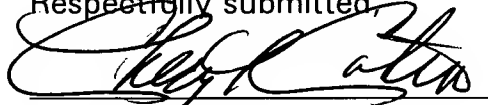
Dependent claim 18 provides that "the pin is completely enclosed within the tooth-carrying element and projecting portion so as to be protected

against wear and external impact". On the other hand, Hahn discloses a pin that is fully exposed to wear and impact.

For at least the foregoing reasons, applicants respectfully submit that independent claim 10 is patentable. Claims 11-17 depend from independent claim 10 and thus are patentable for the same reasons that claim 10 is patentable.

Dependent claims 16 and 18 are further distinguishable for the reasons expressed above and thus patentable over the art of record. Applicants respectfully submit that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,



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# ATTACHMENT

(Marked-up Copy of Amended Claims and Abstract)

## IN THE CLAIMS:

Claims 1-9 have been deleted.

New claims 10-18 have been added.

## IN THE ABSTRACT:

*Page 15, the two full paragraphs have been deleted and replaced with the following:*

[Coupling for the teeth of excavators and the like.

The] A device for coupling [between] a tooth and tooth-carrier\_ [is effected by means of the combination of] The device including three successive areas from the median portion of [the] a coupling part to its free end\_ [, comprising a] A first area [of] comprises stepped straight guides [which] that open on [the] lateral outer surfaces of the coupling part\_ [, followed by an] Following the first area is a second guiding area [for guiding by means of] comprising revolution surfaces, opposed to one another\_ [, and with a] A third, terminal area [in the form of] is shaped as a prismatic rod having its axis coinciding with that of the coupling part.

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